

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 ALVIN NUTTALL, M.D.

4 Holder of License No. 20169  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona

Case No. MD-12-0360A

**ORDER FOR LETTER OF REPRIMAND  
AND CONSENT TO THE SAME**

7 Alvin Nuttall, M.D. ("Respondent") elects to permanently waive any right to a  
8 hearing and appeal with respect to this Order for Letter of Reprimand; admits the  
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order  
10 by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of  
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 20169 for the practice of  
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-12-0360A after receiving Respondent's  
17 self-report indicating that he asked another physician to prescribe medications to his wife,  
18 JJ. In addition, Respondent notified the Board that he had asked the other physician to  
19 allow him and his wife to use the other physician's name for other prescriptions.

20 4. Board staff queried the Controlled Substances Prescription Monitoring  
21 Program (CSPMP) on JJ and found multiple prescriptions written by Respondent and the  
22 other physician, as well as a couple written by two other providers. The report indicated  
23 that Respondent prescribed Alprazolam to JJ from April to December 2008. The report  
24 also showed that the other physician had prescribed Alprazolam to JJ from February to  
25

1 September 2009. The prescriptions were all written for either Alprazolam XR 1mg tablet  
2 #90 or 1mg tablet #270. There were a total of 17 prescriptions.

3 5. Board staff also queried the CSPMP regarding prescriptions written to  
4 Respondent and noted multiple prescriptions written by the other physician as well as a  
5 couple written by JJ and another provider. The report indicated that Respondent received  
6 a total of 19 prescriptions written by the other physician for Alprazolam .25mg tablet #30  
7 and Hydrocodone 5-500 from May 2010 to January 2012. The quantities of Hydrocodone  
8 were either #240 or #360 at a time. There were two prescriptions for Hydrocodone 5-500  
9 #240 written by JJ in December 2011 and February 2012.

10 6. Respondent admitted to Board staff that he prescribed Xanax to JJ in 2010,  
11 but denied the numerous prescriptions thereafter. He also stated that there is no medical  
12 chart in which any prescriptions were logged. Respondent told Board staff that  
13 prescriptions in his name were not for him as he does not take narcotic medications.

14 7. The other physician informed Board staff that he did not prescribe  
15 medications for Respondent or his wife from 2008 to the present even though such  
16 prescriptions were listed on the pharmacy report. JJ admitted that she wrote and filled the  
17 numerous prescriptions for Respondent and herself; using Respondent's and the other  
18 physician's names as well as her own name.

#### 19 CONCLUSIONS OF LAW

20 1. The Board possesses jurisdiction over the subject matter hereof and over  
21 Respondent.

22 2. The conduct and circumstances described above constitute unprofessional  
23 conduct pursuant to A.R.S. § 32-1401(27) (e) ("[f]ailing or refusing to maintain adequate  
24 records on a patient.").

1           3.     The conduct and circumstances described above constitute unprofessional  
2 conduct pursuant to A.R.S. § 32-1401(27)(h) ("[p]rescribing or dispensing controlled  
3 substances to members of the physician's immediate family.").

4                                 ORDER

5           IT IS HEREBY ORDERED THAT Respondent is issued a Letter of Reprimand.

6  
7           DATED AND EFFECTIVE this 6<sup>th</sup> day of DECEMBER, 2012.

8  
9                                 ARIZONA MEDICAL BOARD

10  
11           By 

12                                 Lisa S. Wynn  
Executive Director

13                                 CONSENT TO ENTRY OF ORDER

14           1.     Respondent has read and understands this Consent Agreement and the  
15 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent  
16 acknowledges he has the right to consult with legal counsel regarding this matter.

17           2.     Respondent acknowledges and agrees that this Order is entered into freely  
18 and voluntarily and that no promise was made or coercion used to induce such entry.

19           3.     By consenting to this Order, Respondent voluntarily relinquishes any rights to  
20 a hearing or judicial review in state or federal court on the matters alleged, or to challenge  
21 this Order in its entirety as issued by the Board, and waives any other cause of action  
22 related thereto or arising from said Order.

23           4.     The Order is not effective until approved by the Board and signed by its  
24 Executive Director.

25           5.     All admissions made by Respondent are solely for final disposition of this  
matter and any subsequent related administrative proceedings or civil litigation involving

1 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
2 or made for any other use, such as in the context of another state or federal government  
3 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
4 any other state or federal court.

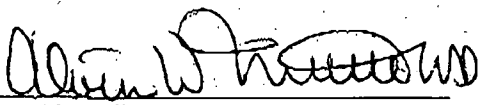
5 6. Upon signing this agreement, and returning this document (or a copy thereof)  
6 to the Board's Executive Director, Respondent may not revoke the consent to the entry of  
7 the Order. Respondent may not make any modifications to the document. Any  
8 modifications to this original document are ineffective and void unless mutually approved  
9 by the parties.

10 7. This Order is a public record that will be publicly disseminated as a formal  
11 disciplinary action of the Board and will be reported to the National Practitioner's Data  
12 Bank and on the Board's web site as a disciplinary action.

13 8. If any part of the Order is later declared void or otherwise unenforceable, the  
14 remainder of the Order in its entirety shall remain in force and effect.

15 9. If the Board does not adopt this Order, Respondent will not assert as a  
16 defense that the Board's consideration of the Order constitutes bias, prejudice,  
17 prejudgment or other similar defense.

18 10. Any violation of this Order constitutes unprofessional conduct and may result  
19 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,  
20 consent agreement or stipulation issued or entered into by the board or its executive  
21 director under this chapter") and 32-1451.

22  
23   
24 Alvin Nuttall, M.D.

DATED: 11/12/14

25 EXECUTED COPY of the foregoing mailed  
this 12 day of December 2012 to:

1 Bob Milligan, Esq.  
2 Milligan Lawless, PC  
3 4647 North 32nd Street, Suite 185  
4 Phoenix, Arizona 85018

5 Arizona Medical Board  
6 9545 E. Doubletree Ranch Road  
7 Scottsdale, AZ 85258

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9 Arizona Medical Board Staff  
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